

DEPARTMENT OF THE ARMY PERMIT
Provisional Regional General Permit
Regional General Permit No. 80
City of Santa Maria Routine Maintenance

Permittee: City of Santa Maria, California

Project Name: RGP No. 80 City of Santa Maria Drainage Facilities Maintenance (Reissuance)

Permit Number: SPL-2015-00191-CLH

Issuing Office: Los Angeles District

Effective Date: June 9, 2016

Expiration Date: June 8, 2021

The District Engineer, Los Angeles District U.S. Army Corps of Engineers hereby issued Regional Permit (RGP) No. 80, which authorizes discharges of dredged or fill material for routine maintenance in the City of Santa Maria as described below.

This permit is being issued under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) and is in accordance with provisions of the Regulatory Programs of the Corps of Engineers (33 CFR Part 322.2(f) for activities which are substantially similar in nature, which cause only minimal individual and cumulative environmental impacts. This RGP applies to the city of Santa Maria to conduct maintenance activities in a manner which is consistent with the terms and conditions of this RGP.

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The proposed regional general permit (RGP) would authorize the discharge of dredged or fill material into various waters of the U.S. throughout the city of Santa Maria for the purpose of conducting routine flood control maintenance activities. The RGP would authorize routine maintenance activities restricted to mechanical and chemical vegetation management; clearing vegetation for maintaining design conveyance and capacity for storm flows near inlets and outlets; clearing, dredging, and excavating accumulated soil and sediment in basins, ditches, and around structures to maintain design conveyance and capacity for storm water flows; grading and contouring existing ditches and basins to maintain design conveyance and capacity for storm water flows; maintenance, repair, modification, and replacement of inlet and outlet structures, culverts,

storm water pipes, cross gutters, and/or other facilities as needed; vector control and management including, but not limited to BTi and liquid garlic products; debris removal from basins, ditches, and near inlets and outlets; installation of dry wells and infiltration structures within appropriate collection basins to increase infiltration; landscaping with non-native plants in urban and recreational park settings; and native plant installation for the creation of forebays and vegetated basins (riparian and emergent vegetation) for water quality benefits and habitat enhancement where feasible to maintain conveyance and capacity of facilities. There have been no changes to the proposed project since circulation of the Public Notice from March 30 to April 30, 2015.

Routine maintenance activities would be limited to the following:

- Sonya/Cherrywood Basin: vegetation management, sediment removal, recontouring.
- Jill Street Drainage: vegetation clearing and debris/sediment removal.
- Battles Road Surface Srainage Ditch: vegetation clearing and debris/sediment removal.
- Inger Drive Park Basin: sediment and debris removal.
- Pacific Crest Basin: vegetation clearing and debris/sediment removal.
- Jones Ditch: vegetation clearing and debris/sediment removal, recontouring.
- Bradley Drainage Ditch: inlet culvert debris removal, repair, and/or replacement.
- Battles Ditch: vegetation clearing and debris/sediment removal, recontouring.
- Cooley Lane Drainage Ditch: vegetation management, sediment and debris removal.
- Stowell Drainage Ditch: vegetation clearing and debris/sediment removal, recontouring.
- La Brea Drainage Ditch: vegetation clearing and debris/sediment removal, recontouring.
- Santa Maria River Drainage Ditch and Outfall: vegetation management and debris/sediment removal.
- Foster/Blosser Culvert: debris removal.
- General detention basin soil aeration, removal of aeration soil plugs, sod replacement, seeding (mostly in conjunctive multi-use turfed recreation field context).

Notification requirement: Prior to conducting work under this RGP, the permittee must notify the Corps in accordance with the notification procedures under General Condition 1 of this RGP. A copy of the notification package shall be sent to the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the central Coast Regional Water Control Board.

Work may not commence until verification of compliance with this RGP is received from the Corps or thirty days have passed since the Corps receives a complete notification package. The Corps maintains discretion to add Special Conditions to RGP verifications to clarify compliance with the terms and conditions of this RGP or to ensure that the proposed project would have only minimal individual and cumulative adverse impacts to the environment. In cases where the proposed project does not comply with the terms and conditions of this RGP or the Corps determines that the proposed project would result in greater than minimal individual or cumulative adverse impacts to the environment, the permittee will be notified by the Corps of

Engineers within thirty days of receipt of a complete notification. Under these circumstances, the project would be assessed under standard permit procedures, including a public notice and preparation of a project-specific environmental assessment.

Permit Conditions:

1. This RGP expires June 8, 2021. Based on an ongoing evaluation of the general permit, the Corps maintains the discretion to reissue, modify, rescind, or exclude certain activities or areas from authorization by this RGP.
2. The Permittee shall submit an Annual Maintenance Report submitted to the Corps by May 1 of each year that will include: a written description of the work to be performed for that year, maintenance methodology, time of year work would occur, which drainages are proposed for maintenance activities, results of surveys for sensitive biological resources, a description of impacts to biological resources likely to result from the proposed work, measures to be implemented to minimize effects to the California red-legged frog (CRLF) and California tiger salamander (CTS), a description of the proposed mitigation measures designed to reduce impacts to aquatic resources, and proposed restoration measures to address unavoidable impacts. In addition, the Annual Report shall include a 7.5-minute topographic map or copy of the topographic map that depicts the locations of the proposed projects, any credentials of biologists who will conduct surveys, monitor, and handle CRLF and CTS should also be included in this annual report.
3. No work in waters of the U.S. is authorized for any single project until the City submits a 401 certification from the Central Coast Regional Water Quality Control Board.
4. No work in waters of the U.S. is authorized for any single project until the Corps has provided a signed notice to proceed (NTP).
5. Whenever possible, work areas shall be staked, flagged, or fenced to limit construction impacts outside of the work area.
6. The Permittee shall implement all mitigation measures identified for each project in the Annual Routine Maintenance Report.
7. Where a project involves manipulation of a stream bank, the Permittee shall conduct a Phase I cultural resource survey.
8. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Regulatory Project Manager (Crystal Huerta at 805.585.2143) and the Corps' Archeology staff within 24 hours (John Killeen at 213.452.3861). The Permittee shall not resume construction in the area surrounding the cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. Section 800.13.
9. No project authorized by this regional general permit shall significantly disrupt the movement of aquatic species indigenous to the waterway, including migrating species.
10. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

11. No discharges shall occur in the proximity of a public water supply intake except where the discharge is for the repair of adjacent bank stabilization.
12. No discharge of fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free of pollutants in toxic amounts (see Section 307 of the Clean Water Act).
13. Discharges of fill material must be avoided and minimized to the maximum extent practicable.
14. No discharges shall occur in spawning areas during spawning seasons.
15. To the maximum extent practicable, discharges must not be permanently restrict or impede the passage of normal or expected high flows or cause relocation of water.
16. Authorization under this regional general permit does not obviate the need to obtain other Federal, State or local authorizations, nor does it grant any property rights or exclusive privileges or injury to the property or rights of others.
17. Additional project-specific special conditions may be added to each individual approval as necessary to minimize individual and cumulative impacts to aquatic resources.
18. The District Engineer reserves the right to invoke discretionary authority to require processing of a standard individual permit on a case-by-case basis as defined in 33 CFR Part 330.4(e).
19. Upon request by the Permittee and approval by the Corps, additional waterways may be added to the list of creeks to be maintained through this regional general permit after notice to applicable regulatory agencies and consideration of their comments.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

- ☐ Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.


4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit is issued on behalf of Colonel Kirk Gibbs, Commander, Los Angeles District.



Antal Szijj
Team Lead, Ventura Field Office
North Coast Branch
Regulatory Division

DATE June 9, 2016